



CITY OF
TUCSON

PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

August 31, 2012

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 57 TO THE LAND USE CODE (LUC)

Dear Subscriber:

Enclosed is Supplement No. 57 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes:

1. Ordinance No. 10943, Change sunset date of Section 2.8.12.9, Downtown IID from January 31, 2012 to January 31, 2015, *IID District Termination*, adopted by the Mayor and Council on November 11, 2011.
2. Ordinance No. 10965, Amending Sections 2.3.2, 2.3.4 and 2.3.5, *Urban Residential Zones*, Section 3.5.7 *Performance Criteria*, and Section 6.3.8., *Land Use Groups*, the amendment adopted by the Mayor and Council on February 15, 2012.

Please recycle and replace pages in your *LUC* as follows:

<i>Article II. Zones</i>		
<i>Item</i>	<i>Remove Old Pages</i>	<i>Insert New Pages</i>
Division 3. Urban Residential Zones	29 & 30; 35 & 36; 39 & 40	29 & 30; 35 & 36; 39 & 40
Division 8. Overlay Zones	179.23 & 179.24	179.23 & 179.24
<i>Article III. Development Regulations</i>		
Division 5. Performance Criteria	272.2 & 273	272.2-276.13
<i>Article VI. Definitions</i>		
Division 3. Land Use Groups	462 & 463	462 & 463
<i>Appendices</i>		
Appendix 1—Checklist of Up-to-Date pages	1-3	1-3

Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 837-6951.

Sincerely,

Adam Smith, Principal Planner
Planning & Development Services Department

Enclosures:

Summary of Amendments
Supplement No. 57

TUCSON LAND USE CODE (LUC) – SUPPLEMENT NO. 57

SUMMARY OF AMENDMENT

ORDINANCE NO. 10943

ORDINANCE NO. 10943 (Adopted on November 22, 2011)

The adopted LUC amendment includes the following:
AMENDING CERTAIN PORTIONS OF THE LAND USE CODE, CHAPTER 23, ARTICLE II, ZONES, DIVISION 8, OVERLAY ZONES, SECTION 2.8.12, DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID), TO EXTEND THE EFFECTIVE DATE OF THE DISTRICT UNTIL JANUARY 31, 2015; AMENDING ORDINANCE NO. 10813; AND ORDINANCE NO. 10835 EXTENDING THE EFFECTIVE DATES OF EACH ORDINANCE UNTIL JANUARY 31, 2015; AND DECLARING AN EMERGENCY.

ORDINANCE NO. 10965

ORDINANCE NO. 10965 (Adopted on February 15, 2012)

The adopted LUC amendment includes the following:
AMENDING CERTAIN PORTIONS OF THE TUCSON CODE, CHAPTER 23, LAND USE CODE, CHAPTER 23, ARTICLE II, DIVISION 3, URBAN RESIDENTIAL ZONES, SECTIONS 2.3.2, 2.3.4, AND 2.3.5; ARTICLE III, DIVISION 5, PERFORMANCE CRITERIA, SECTION 3.5.7; AND ARTICLE VI., DIVISION 3, LAND USE GROUPS, SECTION 6.3.8; AND TUCSON CODE CHAPTER 16, NEIGHBORHOOD PRESERVATION, ARTICLE IV, SECTIONS 16-37 AND 16-38, ARTICLE VII, SECTIONS 16-70 AND 16-73; TO CLARIFY DEFINITION OF GROUP DWELLING USES; AMEND PARKING REQUIREMENTS RELATING TO FAMILY DWELLINGS; TREAT EXISTING GROUP DWELLINGS AS LAWFUL NONCONFORMING USES; PROVIDE FOR THE DESIGNATION AND ABATEMENT OF GROUP DWELLING PUBLIC NUISANCES; AND ESTABLISH APPEAL PROCEDURES; AND DECLARING AN EMERGENCY.

DIVISION 3. URBAN RESIDENTIAL ZONES

SECTIONS:

- 2.3.1 **RESERVED**
 - 2.3.2 **"RX-1" RESIDENCE ZONE**
 - 2.3.3 **"RX-2" RESIDENCE ZONE**
 - 2.3.4 **"R-1" RESIDENCE ZONE**
 - 2.3.5 **"R-2" RESIDENCE ZONE**
 - 2.3.6 **"R-3" RESIDENCE ZONE**
 - 2.3.7 **"MH-1" MOBILE HOME ZONE**
 - 2.3.8 **"MH-2" MOBILE HOME ZONE**
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2.3.1 RESERVED.

2.3.2 "RX-1" RESIDENCE ZONE.

2.3.2.1 Purpose. This zone provides for suburban, low density, single-family, residential development and other compatible neighborhood uses.

2.3.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of [3.2.3](#).

A. Residential Use Group, Sec. [6.3.8](#)

1. Family Dwelling "[D](#)", subject to: Sec. [3.5.7.1.F](#), .H and .I. (Ord. No. 9443, §1, 11/27/00, Ord. No. 10965, §1, 02/15/12)
2. Family Dwelling "[FLD-2](#)", subject to: the development regulations in Sec. [3.6.1](#) and Sec. [3.5.7.1.F](#), .H and .I. (Ord. No. 10965, §1, 02/15/12, Ord. No. 9443, §1, 11/27/00, Ord. No. 10636, §8, 2/24/09)
3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "[D](#)", subject to: Sec. [3.5.7.8.B.1](#), .C.1, and .D (Ord. No. 9138, §1, 10/5/98)

B. Agricultural Use Group, Sec. [6.3.3](#)

1. Animal Production "[9](#)", subject to: Sec. [3.5.2.1.A.1](#), .B.1, .B.2, and .C.1
2. Crop Production "[9](#)", subject to: Sec. [3.5.2.2](#)
3. General Farming "[9](#)", subject to: Sec. [3.5.2.1.A.1](#), .B.1, .B.2, and .C.1 and Sec. [3.5.2.2](#)

C. Civic Use Group, Sec. [6.3.4](#)

1. Cultural Use "[9](#)", subject to: Sec. [3.5.3.2](#)
2. Educational Use: Elementary and Secondary Schools "[9](#)", subject to: Sec. [3.5.3.7](#) (Ord. No. 9075, §1, 6/15/98)

CITY OF TUCSON *LAND USE CODE*
 ARTICLE II. ZONES
 DIVISION 3. URBAN RESIDENTIAL ZONES
 "RX-1" RESIDENCE ZONE

3. Protective Service "9", subject to: Sec. [3.5.3.2](#) and Sec. [3.5.13.6](#)

4. Religious Use "9"

D. Commercial Services Use Group, Sec. [6.3.5](#)

1. Communications "9", subject to: Sec. [3.5.4.20.B](#), .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)

2. Day Care "9"

a. Adult day care, subject to: Sec. [3.5.4.25.A](#)

b. Child care, subject to: Sec. [3.5.4.3.A](#), .B, .C, .D, .E, .F.1, and .G.2

3. Travelers' Accommodation, Lodging, "3"

E. Recreation Use Group, Sec. [6.3.7](#)

1. Golf Course "1", subject to: Sec. [3.5.6.3](#)

2. Neighborhood Recreation "9", subject to: Sec. [3.5.13.2](#) and Sec. [3.5.13.3](#)

2.3.2.3 **Special Exception Land Uses.** The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. [3.2.3](#). For further information concerning Special Exception Land Use applicability, refer to Sec. [5.3.9](#). (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. [6.3.5](#)

1. Communications "9", limited to wireless communication towers and antennae, subject to: Sec. [3.5.4.20.B](#), .C, and .E.2, or Sec. [3.5.4.20.B](#), .C, and .F.1, or Sec. [3.5.4.20.B](#), .C, and .G (Ord. No. 8813, §1, 3/3/97)

2. Day Care "9", subject to: Sec. [3.5.13.5](#) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

a. Child care, subject to: Sec. [3.5.4.3.A](#), .B, .C, .D, .E, .F.3, .G.6, and .H, or

b. Child care, subject to: Sec. [3.5.4.3.A](#), .B, .H, and .I

B. Residential Use Group, Sec. [6.3.8](#)

1. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. [3.5.7.4.B](#), .E, .F, .G, .H, .I, .J, .K, .L, and .N and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "9", subject to: Sec. [3.5.7.8.B.1](#), .C.2, and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, or (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)

CITY OF TUCSON *LAND USE CODE*
ARTICLE II. ZONES
DIVISION 3. URBAN RESIDENTIAL ZONES
"RX-2" RESIDENCE ZONE

Sec. 2.3.3.4

2. Home Occupation: Day Care, subject to: Sec. [3.5.7.3](#)
 3. Home Occupation: Group Dwelling, subject to: Sec. [3.5.7.9.A](#), .C, and .D
 4. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. [3.5.7.4.A](#), .E, .F, .G, .H, .I, .J, .K, and .L
- B. The following are permitted as Secondary Land Uses to Religious Use.
1. Civic Use Group, Sec. [6.3.4](#)
 - a. Cemetery, subject to: Sec. [3.5.3.1.D](#)
 2. Industrial Use Group, Sec. [6.3.6](#)
 - a. Salvaging and Recycling, subject to: Sec. [3.5.5.6.A](#) and .C (Ord. No. 9915, §2, 11/24/03)
- (Ord. No. 8653, §1, 2/26/96)
- C. Repealed. (Ord. No. 8808, §1, 1/27/97)
- D. The following are permitted as Secondary Land Uses to Golf Course, subject to: Sec. [3.5.6.1](#).
1. Commercial Services Use Group, Sec. [6.3.5](#)
 - a. Alcoholic Beverage Service, subject to: Sec. [3.5.4.19.C](#)
 - b. Food Service, subject to: Sec. [3.5.4.6.C](#)
 - c. Personal Service
 2. Retail Trade Use Group, Sec. [6.3.10](#)
 - a. General Merchandise Sales
- E. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. [3.5.10.2.A](#) and .B.1.
- F. The following is permitted as a Secondary Land Use to Educational Use.
1. Industrial Use Group, Sec. [6.3.6](#)
 - a. Salvaging and Recycling, subject to: Sec. [3.5.5.6.A](#) and .C (Ord. No. 9915, §2, 11/24/03)
- (Ord. No. 8653, §1, 2/26/96)

2.3.3.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. [3.2.5](#)

CITY OF TUCSON *LAND USE CODE*
 ARTICLE II. ZONES
 DIVISION 3. URBAN RESIDENTIAL ZONES
 "R-1" RESIDENCE ZONE

2.3.4 "R-1" RESIDENCE ZONE.

2.3.4.1 Purpose. This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment.

2.3.4.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed after each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. [3.2.3](#).

A. Residential Use Group, Sec. [6.3.8](#)

1. Family Dwelling "[G](#)", subject to: Sec. [3.5.7.1.E](#), .F, .G, .H and .I (Ord. No. 8582, §1, 9/25/95; Ord. No. 9443, §1, 11/27/00; Ord. No. 9906, §1, 10/13/03; Ord. No. 10965, §1, 02/15/12)
2. Family Dwelling "[H](#)", subject to: Sec. [3.5.7.1](#)
3. Family Dwelling "[FLD-4](#)", subject to: the development regulations in Sec. 3.6.1 and Sec. [3.5.7.1.E](#), .F, .H and .I (Ord. No. 9138, §1, 10/5/98; Ord. No. 9443, §1, 11/27/00; Ord. No. 10636, §8, 2/24/09; Ord. No. 10965, §1, 02/15/12)
4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "[G](#)", subject to: Sec. [3.5.7.8.B.1](#), .C.1, and .D (Ord. No. 9138, §1, 10/5/98)

B. Agricultural Use Group, Sec. [6.3.3](#)

1. Crop Production "[17](#)", subject to: Sec. [3.5.2.2](#)

C. Civic Use Group, Sec. [6.3.4](#)

1. Cultural Use "[12](#)", subject to: Sec. [3.5.3.2](#)
2. Educational Use: Elementary and Secondary Schools "[11](#)", subject to: Sec. [3.5.3.7](#) (Ord. No. 9075, §1, 6/15/98)
3. Protective Service "[12](#)", subject to: Sec. [3.5.3.2](#) and Sec. [3.5.13.6](#)
4. Religious Use "[12](#)"

D. Commercial Services Use Group, Sec. [6.3.5](#)

1. Communications "[17](#)", subject to: Sec. [3.5.4.20.B](#), .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)
2. Day Care "[17](#)"
 - a. Adult day care, subject to: Sec. [3.5.4.25.A](#)
 - b. Child care, subject to: Sec. [3.5.4.3.A](#), .B, .C, .D, .E, .F.1, and .G.4

E. Recreation Use Group, Sec. [6.3.7](#)

1. Neighborhood Recreation "[12](#)", subject to: Sec. [3.5.13.2](#) and Sec. [3.5.13.3](#)

2.3.5 "R-2" RESIDENCE ZONE.

2.3.5.1 Purpose. This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment.

2.3.5.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. [3.2.3](#).

A. Residential Use Group, Sec. [6.3.8](#)

1. Family Dwelling "[I](#)", subject to: Sec. [3.5.7.1.F](#), [.I](#), and [.J](#). (Ord. No. 9443, §1, 11/27/00; Ord. No. 10965, §1, 02/15/12)
2. Family Dwelling "[K](#)", subject to: Sec. [3.5.7.1.F](#), [.I](#), and [.J](#). (Ord. No. 9443, §1, 11/27/00; Ord. No. 10965, §1, 02/15/12)
3. Family Dwelling "[FLD-6](#)", subject to: the development regulations in Sec. [3.6.1](#) and Sec. [3.5.7.1.F](#), [.I](#), and [.J](#). (Ord. No. 9443, §1, 11/27/00; Ord. No. 10636, §8, 2/24/09; Ord. No. 10965, §1, 02/15/12)
4. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "[I](#)", subject to: Sec. [3.5.7.8.B.1](#), [.C.1](#), and [.D](#) (Ord. No. 9138, §1, 10/5/98)
5. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "[41](#)", subject to: Sec. [3.5.7.8.B.1](#), [.C.4](#), [.D](#), and [.G](#) (Ord. No. 9138, §1, 10/5/98)
6. Residential Care Services: Rehabilitation Service - children's facilities "[41](#)", subject to: Sec. [3.5.7.8.A](#), [.B.1](#), [.C.1](#), and [.D](#)
7. Residential Care Services: Shelter Care - victims of domestic violence "[41](#)", subject to: Sec. [3.5.7.8.A](#), [.B.1](#), [.C.1](#), [.D](#), and [.I](#)

B. Agricultural Use Group, Sec. [6.3.3](#)

1. Crop Production "[41](#)", subject to: Sec. [3.5.2.2](#)

C. Civic Use Group, Sec. [6.3.4](#)

1. Cemetery "[41](#)", subject to: Sec. [3.5.3.1.A](#)
2. Cultural Use "[12](#)", subject to: Sec. [3.5.3.2](#)
3. Educational Use: Elementary and Secondary Schools "[11](#)", subject to: Sec. [3.5.3.7](#) (Ord. No. 9075, §1, 6/15/98)
4. Postal Service "[12](#)", subject to: Sec. [3.5.3.2](#)
5. Protective Service "[12](#)", subject to: Sec. [3.5.3.2](#) and Sec. [3.5.13.6](#)
6. Religious Use "[12](#)"

CITY OF TUCSON *LAND USE CODE*
 ARTICLE II. ZONES
 DIVISION 3. URBAN RESIDENTIAL ZONES
 "R-2" RESIDENCE ZONE

D. Commercial Services Use Group, Sec. [6.3.5](#)

1. Administrative and Professional Office "[8](#)", subject to: Sec. [3.5.3.2](#)
2. Communications "[41](#)", subject to: Sec. [3.5.4.20.B](#), .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)
3. Day Care "[41](#)"
 - a. Adult day care, subject to: Sec. [3.5.4.25.A](#)
 - b. Child care, subject to: Sec. [3.5.4.3.A](#), .B, .C, .D, .E, .F.1, and .G.4 (Ord. No. 8808, §1, 1/27/97)

E. Recreation Use Group, Sec. [6.3.7](#)

1. Neighborhood Recreation "[12](#)", subject to: Sec. [3.5.13.2](#) and Sec. [3.5.13.3](#)

2.3.5.3 Special Exception Land Uses. The following Land Use Classes are not permitted within this zone, unless approved through the special approval procedure noted for the Land Use Class, and are subject to any additional conditions listed. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. [3.2.3](#). For further information concerning Special Exception Land Use applicability, refer to Sec. [5.3.9](#). (Ord. No. 8653, §1, 2/26/96)

A. Commercial Services Use Group, Sec. [6.3.5](#)

1. Communications "[41](#)", limited to wireless communication towers and antennae, subject to: Sec. [3.5.4.20.B](#), .C, and .E.2, or Sec. [3.5.4.20.B](#), .C, and .F.1, or Sec. [3.5.4.20.B](#), .C, and .G (Ord. No. 8813, §1, 3/3/97)
2. Day Care "[41](#)", subject to: Sec. [3.5.13.5](#) and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)
 - a. Child care, subject to: Sec. [3.5.4.3.A](#), .B, .C, .D, .E, .F.3, .G.6, and .H, or
 - b. Child care, subject to: Sec. [3.5.4.3.A](#), .B, .H, and .I
3. Medical Service "[19](#)", subject to: Sec. [3.5.4.8.B](#), Sec. [3.5.4.9.A](#), .B.1, .C, and .D, and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)

B. Residential Use Group, Sec. [6.3.8](#)

1. Home Occupation: Travelers' Accommodation, Lodging, subject to: Sec. [3.5.7.4.C](#), .E, .F, .G, .H, .I, .J, .K, .L, .M, and .N and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §2, 7/1/04)
2. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "[41](#)", subject to: Sec. [3.5.7.8.B.1](#), .C.2, and .D and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9967, §2, 7/1/04)
3. Residential Care Services: Rehabilitation Service or Shelter Care "[41](#)", subject to: Sec. [3.5.7.8.A](#), .B.1, .C.2, .D, and .I and approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53, or (Ord. No. 9967, §2, 7/1/04)

CITY OF TUCSON *LAND USE CODE*
 ARTICLE II. ZONES
 DIVISION 8. OVERLAY ZONES
 DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID)

C. *Alternative Compliance.*

1. The Director may approve an urban design best practice option for compliance with Sec. 2.8.12.6.A (Streetscape Design) and Sec. 2.8.12.6.B (Development Transition).
2. For purposes of this section, urban design best practices may include urban design studies approved for the City of Tucson, adopted urban design standards for a downtown area in an Arizona city of comparable size or a city in the Southwest of comparable size, books written by urban design experts or endorsed by a professional organization, such as the American Institute of Architects, addressing downtown development, or any comparable report, study or standards recommended by the City's Design Professional and approved by the PDSD Director.

- D. *Utilities.* Plans shall include information on the layout and demonstrate availability of utilities such as water, wastewater, natural gas, electric and telecommunication utilities.

2.8.12.7 IID Plan Requirements.

- A. *Requirements.* Use of the regulations of the IID, as opposed to existing zoning, requires plan approval by PDSD regardless of IID subdistrict.

1. Applicants must submit an IID Plan in compliance with applicable IID and subdistrict regulations.
2. Except as provided herein, a Plan must be prepared in compliance with Development Standard 2-01.0.0 (Development Package). Additionally, applicants are required to provide elevations demonstrating compliance with Secs. 2.8.12.6.A and B.

- B. *Revisions.* An applicant may request modifications to Plan submittal requirements, or that the Plan requirement be waived, subject to the following:

1. The applicant must specifically identify the submittal requirement(s) for which a modification or waiver is requested and provide a rationale for the request.
2. The Director shall determine whether to grant the request. In making this decision, the director shall consider: the purpose statements of the Downtown Area Infill Incentive District, applicable General Plan, and Area Plan policies. The Director's approval of a request hereunder is not, nor shall it be construed as the, department's endorsement of a project.

- C. *Exception.* A City-approved urban design plan, such as the Downtown Links Plan, may substitute for an IID Plan for development within the IID. The Director may request additional information from an applicant where a conceptual plan is lacking sufficient detail to provide for adequate review, in compliance with Sections 2.8.12.6.A, B, and C.

2.8.12.8 Review and Approval Procedures. PDSD shall administer IID Plan review procedures.

A. *Procedure.*

1. For development within the GIIS, requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 (Application, notice, public comment and review) and 23A-51 (PDSD Full Notice Procedure).

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ARTICLE II. ZONES
DIVISION 8. OVERLAY ZONES
DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID)

2. For development within the DCS, IID Plans shall be processed according to the Development Compliance Code, Sec. 23A-34 (Development Plan Review), with the exception that a pre-application conference is required. IID Plans within the DCS shall be reviewed and considered for approval within thirty (30) working days of PDSD accepting the application or approval of demolition and/or façade alteration plans when required of projects within the Rio Nuevo and Downtown Zone, whichever is applicable.

B. *Amendments.* An amendment or revision to an approved IID Plan shall be subject to the same procedure as the initial approval.

C. *Concurrent Review.* The City may accept a concurrent submittal of the IID Plan and corresponding development plan or subdivision plat.

2.8.12.9 IID District Termination. The provisions of LUC 2.8.12 Downtown Area Infill Incentive District shall end on January 31, 2015, unless Mayor and Council extend the date by separate ordinance.
(Ord. No. 10943, §1, 11/22/11)

(Ord. No. 10841, §1, 10/05/10)

2.8.12.10 Illustrative Map. See next page.

3.5.7 RESIDENTIAL USE GROUP.

3.5.7.1 Family Dwelling.

- A. Both dwellings must be under the same ownership and on the same parcel.
- B. Both dwellings must comply with the development criteria listed for the assigned Development Designator.
- C. One (1) dwelling must be at least twenty-five (25) percent smaller than the other dwelling.
- D. The dwellings may be attached or detached.
- E. A manufactured housing unit shall not be considered a dwelling for the purposes of this Section, unless it is located in a subdivision recorded after January 1, 1982, and not located in a resubdivision of any subdivision recorded prior to January 1, 1982. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9443, §2, 11/27/00)
- F. A manufactured housing unit shall not be considered a dwelling for the purposes of this Section, unless the following criteria are met or a subdivision plat that has been clearly identified for manufactured housing has been approved and permits for manufactured homes have been issued for twenty-five (25) percent or more of the lots prior to November 27, 2000.
 - 1. It is placed on an excavated and backfilled foundation (ground set). If the home is located in a floodplain, the bottom of the lowest floor joist will be a minimum of one (1) foot above the one hundred (100) year/base flood elevation, and the foundation of the home shall be placed on the fill.
 - 2. No more than eight (8) inches of perimeter skirting wall shall be visible from the street frontage of the property. The perimeter skirting wall shall match the exterior color of the home.
 - 3. The exterior siding materials shall be either hardboard, vinyl, or stucco.
 - 4. Concrete or masonry steps shall be provided for the entry on the street side of the dwelling.
 - 5. All entry doors on the street side of the dwelling shall be inward-swinging doors.
 - 6. The roofing style and materials shall be either flat roof (Pueblo), steel rib roof, or shingle or tile roof with a 3:12 roof pitch or greater. All pitched roofs, except those that are disguised by a parapet, shall have a minimum six (6) inch eave on all sides of the dwelling.
- G. For any new single family dwelling in the R-1 zone with five (5) bedrooms, three (3) parking spaces are required. For every bedroom over five (5), one additional space is required for each bedroom. For all single family dwellings in the R-1 zone with five (5) or more bedrooms, and for all lots containing two (2) or more single family dwellings, with the second dwelling having more than one bedroom, all parking must be located on-site, either in a side or rear perimeter yard. Parking spaces may not be located in a vehicular use area in any front street perimeter yard. A parking area is not required to be developed to a commercial standard. A dustproof parking surface is required to at least a minimum of two inches of compacted pea gravel. An existing covered residential parking area may be used.
(Ord. No. 10965, §1, 02/15/12)
- H. If there is one or more dwelling(s) on a lot, all dwellings on a lot are considered to be one dwelling for the purpose of determining whether there is a group dwelling. If there are five (5) or more unrelated persons residing on the lot, it is a group dwelling that is not permitted. (Ord. No. 10965, §1, 02/15/12)

- I. Subject to the requirements of this Section 3.5.7.1.I, any group dwelling use existing prior to February 15, 2012 shall be treated as a lawful nonconforming use and structure in accordance with LUC Sec. 1.2.7, and shall be subject to LUC Sec. 5.3.6, except as otherwise expressly provided in this Section and in Tucson Code Sec. 16-37. A protected development right plan approved by the Mayor and Council prior to the enactment of this Ordinance shall be treated as a nonconforming use for a maximum number of unrelated persons equivalent to the number of bedrooms on the approved plan.
 1. The right to treatment as a nonconforming use or structure under this Section shall be established by the following:
 - a. evidence that the property was registered as a rental property as required by A.R.S. §33-1902 on or before February 15, 2012, or is otherwise timely registered as required by that statute; and
 - b. evidence acceptable to the Zoning Administrator that establishes the maximum number of unrelated persons to whom the dwelling was leased pursuant to subsection (a) above. Such evidence may include executed leases, tax records, an approved protected development right plan as described in this section, or other documentation. An executed lease that was executed during the calendar year 2009, 2010, or 2011 shall be sufficient under this subsection to establish the number of persons to whom the dwelling was leased.
 2. If a group dwelling is established for treatment as a lawful nonconforming use as provided in subsection (1) above, the maximum number of unrelated persons to whom the dwelling may be leased shall be that number established by the evidence provided under subsection (1)(b) above.
 3. Notwithstanding the provisions of LUC Section 5.3.6.1.A.2, an established nonconforming use under this Section 3.5.7.1.I, shall not be deemed abandoned or lost based upon the leasing of the dwelling after February 15, 2012 to less than five unrelated persons, to related persons, or to a single family; or upon the failure to lease the dwelling, provided that it is continually registered as a rental property as described under A.R.S. §33-1902.
 4. The nonconforming use under this Section 3.5.7.1.I, may be suspended or lost as provided in LUC §5.3.6.1.A.2, if it is declared a public nuisance by court order pursuant to Tucson Code §16-37.
 5. To the extent any of the provisions of Tucson Code Section 16-37 or this Section 3.5.7.1.I conflict with LUC Section 5.3.6 relating to the discontinuance or abandonment of a nonconforming use, the provisions of this Section and Tucson Code Section 16-37 shall control.

(Ord. No. 10965, §1, 02/15/12)

- J. Occupancy of a dwelling by five (5) or more unrelated persons is a group dwelling and is not permitted.
 (Ord. No. 10965, §1, 02/15/12)

3.5.7.2 Home Occupation: General Application. (Definition, Sec. 6.2.8) Home occupations require approval through a Zoning Compliance Review, Sec. 23A-31, and are subject to the following. (Ord. No. 9967, §3, 7/1/04)

- A. A home occupation shall be clearly secondary to the residential use of the dwelling.
- B. A home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.
- C. No more than twenty-five (25) percent of all buildings on the lot may be devoted to the home occupation. A detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation.
- D. Persons other than those residing in the dwelling shall not be employed in the home occupation, except that one (1) nonresident of the premises may be employed in the IR, RH, SR, SH, O-2, O-3, NC, C-1, C-2, C-3, OCR-1, and OCR-2 zones.

- E. Goods related to the home occupation shall not be visible from the street.
- F. Goods shall not be sold on the premises.
- G. Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.
- H. Except for permitted signage, the home occupation use shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.
- I. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code.
- J. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.
- K. No more than five (5) clients per day, and only one (1) client at a time, are allowed on site.
- L. Motor vehicle and bicycle parking is not required for home occupation - general application. The home occupation may involve the use of no more than one (1) commercial vehicle for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height and must be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking necessitated by the conduct of such home occupation shall be provided on site.
- M. Automotive - Service and Repair, hair salon, and Medical Service uses are prohibited as home occupations.

3.5.7.3 Home Occupation: Day Care.

- A. The conditions specified for home occupation, Sec. 3.5.7.2, apply, except Sec. 3.5.7.2.C, Sec. 3.5.7.2.D, and Sec. 3.5.7.2.G.
- B. Not less than five (5), but not more than ten (10), persons are cared for in the home.
- C. No more than one (1) full-time equivalent person not residing on the premises may be employed in the day care use.
- D. The day care use is conducted in a manner that does not create adverse impacts on the residential character of the neighborhood.
- E. During the hours of activity of the day care use, there is no limit on the amount of floor area devoted to this secondary use.
- F. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.
- G. Hours of operation must be noted on the application, and those hours of operation shall not create an adverse impact on adjoining residences.
- H. Any vehicle used in conjunction with the day care use is limited to a passenger car, van, or pickup truck.
 - I. The day care use must be approved and licensed by the Arizona Department of Health Services prior to final approval. (Ord. No. 9392, §1, 5/22/00)

3.5.7.4 Home Occupation: Travelers' Accommodation, Lodging.

- A. Accommodations permitted for up to four (4) guests for a maximum stay of fourteen (14) days. No more than two (2) sleeping rooms may be used to accommodate guests.
- B. Accommodations permitted for up to eight (8) guests for a maximum of fourteen (14) days. No more than four (4) sleeping rooms may be used to accommodate guests.
- C. Accommodations permitted for up to twelve (12) guests for a maximum stay of fourteen (14) days. No more than six (6) sleeping rooms may be used to accommodate guests.
- D. Accommodations permitted for up to twenty (20) guests for a maximum stay of fourteen (14) days. No more than ten (10) sleeping rooms may be used to accommodate guests.
- E. Meals may be served only to guests staying in the facility. Separate cooking facilities in guest rooms shall be prohibited.
- F. The Development Services Department Director must determine that the building and site improvements are compatible with the surrounding residential area. The Design Review Board (DRB) shall review all applications, except those involving properties within the Historic Preservation Zone (HPZ), for compatibility and make recommendations to the Development Services Department Director. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. If the application is within the HPZ, see Sec. 2.8.8.5 for the review procedure for compatibility. (Ord. No. 9967, §3, 7/1/04)
- G. No more than one (1) full-time equivalent person not residing on the premises may be employed in the home occupation use.
- H. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Signs must also conform to Chapter 3 of the Tucson Code.
- I. Outdoor activities and equipment associated with the use are permitted and must be screened by a five (5) foot fence, wall, or hedge where adjoining R-3 or more restrictive zoning.
- J. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.
- K. This use may involve the use of no more than one (1) commercial vehicle for the transportation of persons or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck. This vehicle must be parked on private property in a carport or garage or shielded from view from adjoining properties by landscaping, fencing, or screening material. Motor vehicle and bicycle parking as required for Travelers' Accommodation, Lodging, is in addition to that required for the residential use.

- L. If Home Occupation: Group Dwelling and Home Occupation: Travelers' Accommodation, Lodging, occur on the same site, the total number of guests, roomers, and boarders shall not exceed the number of guests allowed for that zone.
- M. The minimum lot size is ten thousand (10,000) square feet.
- N. Motor vehicle and bicycle parking shall be provided per Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, for Travelers' Accommodation, Lodging. Variances may not be granted from the number of required parking spaces. (Ord. No. 9179, §1, 12/14/98)

3.5.7.5 Mobile Home Dwelling Secondary Uses.

- A. The listed secondary uses, except for mobile home unit sales and Travelers' Accommodation, Campsite, are permitted only if all of the following apply.
 - 1. The use is located in the social or recreation center of the park.
 - 2. The social or recreation center is located fifty (50) feet or more from any interior lot line of the mobile home park and one hundred (100) feet or more from any street lot line bounding the mobile home park.
 - 3. The use does not occupy more than twenty-five (25) percent of the floor area of the center.
- B. The listed secondary uses, if permitted, are subject to the following requirements.
 - 1. No merchandise or supplies shall be stored or displayed outside the building.
 - 2. No exterior or public advertising or signs are allowed, except as permitted for secondary uses.
 - 3. The uses are restricted to delicatessen, snack bar, food store, coin-operated laundry, and pickup station for dry cleaning.

3.5.7.6 Mobile Home Dwelling Secondary Uses.

- A. Vehicle rental and sales are restricted to the sale of mobile home model units in mobile home parks.
- B. Each model home shall have the same setback and spacing requirements as other units.
- C. The number of spaces allotted for model homes shall be no more than five (5) percent of the total spaces in the mobile home park.
- D. There shall be no exterior display or advertising other than one (1) unilluminated sign not to exceed six (6) square feet at each model. The sign may not be over six (6) feet in height.

3.5.7.7 Family Dwelling or Mobile Home Dwelling as Secondary Use in Industrial Zones.

- A. The dwelling is permitted as a secondary use to an Industrial, Wholesaling, or Storage Use in the P-I, I-1, or I-2 zones.
- B. Restricted to one (1) single-family or mobile home dwelling for a caretaker of the principal use.
- C. The dwelling shall conform to the development criteria for the principal use.

3.5.7.8 Residential Care Services.

- A. A Rehabilitation Service or Shelter Care use shall not be located within twelve hundred (1,200) feet, in any direction, from another Rehabilitation Service or Shelter Care use. The applicant for such use must provide an inventory of such uses within twelve hundred (1,200) feet of the site prior to the establishment of the use. (Ord. No. 9392, §1, 5/22/00)
- B. Other Services.
 - 1. Accessory treatment, including counseling or other types of meetings, is not allowed for nonresidents of the facility.
 - 2. Accessory treatment, including counseling or other types of meetings, is allowed for nonresidents of the facility, if limited to twenty-five (25) percent of the gross floor area of the facility.
- C. Maximum Number of Residents.
 - 1. Care is permitted for a maximum of ten (10) residents.
 - 2. Care is permitted for a maximum of fifteen (15) residents.
 - 3. Care is permitted for a maximum of twenty (20) residents.
 - 4. Care is permitted for an unlimited number of residents.
- D. If licensing is required by the State of Arizona for the use, proof of such licensure shall be provided. (Ord. No. 9392, §1, 5/22/00)
- E. Prior to establishment of a Rehabilitation Service or Shelter Care in an industrial zone, applicants for the use shall provide to the Development Services Department a report and site environs analysis for the facility indicating that adequate measures are provided to assure the health, safety, and welfare of the residents of the facility in respect to any industrial process, use, or storage carried out on the site or on adjacent properties. (Ord. No. 9967, §3, 7/1/04)
- F. The site is located at least five hundred (500) feet, measured in a straight line, from the property line to a zone boundary line of R-3 or more restrictive zoning.
- G. Minimum lot size is three (3) acres. Lot coverage is limited to fifty (50) percent. Minimum setback from all interior lot lines adjoining residential zoning is twenty-five (25) feet.
- H. Minimum lot size is one and one-half (1.5) acres. Lot coverage is limited to sixty (60) percent. Minimum setback from all interior lot lines adjoining residential zoning is twenty (20) feet.
- I. Minimum lot size is twenty thousand (20,000) square feet.

3.5.7.9 Home Occupation: Group Dwelling.

- A. Room and board may be provided to not more than two (2) persons in the Family Dwelling who are not members of the family or household.
- B. Room and board may be provided to not more than four (4) persons in the Family Dwelling who are not members of the family or household.
- C. Meals may be served only to roomers or boarders residing in the Family Dwelling. Separate cooking facilities in guest rooms shall be prohibited.
- D. Parking requirements shall be as required for Group Dwellings, Sec. 3.3.4.

3.5.7.10 Artist Studio/Residence in I-1.

- A. The use is limited to structures in existence on February 25, 1991, within the designated artist studio/residence area as defined in Sec. 6.2.1.
- B. The use will not displace existing industrial uses.
- C. The appearance and structural integrity of the structure are preserved or enhanced.
- D. Residential use of the property is incidental and secondary to the artist studio use, with no greater than fifty (50) percent of the floor area devoted to the secondary residential use.
- E. The secondary residential use is occupied by an artist who is also the occupant of the primary artist studio use.
- F. Adequate measures are provided to assure the health, safety, and welfare of the occupants in relation to any industrial process, use, or storage carried out in the artist studio/residence or on adjacent properties.
- G. The use will not impair or interfere with the continued industrial use of adjacent properties or with the purposes of the industrial zone.

3.5.7.11 Mobile Home Dwelling Secondary Uses. In mobile home parks in MH-2 and mobile home parks existing as of July 1, 1995, in MH-1(MH), a maximum of twenty-five (25) percent of the existing spaces designed for mobile homes may be utilized for recreational vehicles provided each time the space is rented it is for at least one (1) month in duration.**3.5.8 RESTRICTED ADULT ACTIVITIES USE GROUP.**3.5.8.1 Restricted Adult Activities.

- A. The adult establishment shall not be less than one thousand (1,000) feet from any church, school, public playground, park, or neighborhood recreation property line.
- B. The adult establishment shall not be less than one thousand (1,000) feet from any residential use property line or residential zone boundary line.
- C. The adult establishment shall not be less than one thousand (1,000) feet from the premises of any other adult entertainment enterprise.
- D. The adult establishment requires approval through Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §3, 7/1/04)

- E. The land use activity must occur within an enclosed building.

3.5.9 RETAIL TRADE USE GROUP.

3.5.9.1 Food and Beverage Sales.

- A. One (1) building is allowed.
- B. Maximum area of stand.
1. Three thousand (3,000) square feet.
 2. Seven hundred fifty (750) square feet.
 3. Two hundred (200) square feet.
- C. Only the sale of farm products grown or produced on the premises is permitted.
- D. The building shall not be located closer than twenty (20) feet to any property line.
- E. The minimum setback from any street intersection is one hundred fifty (150) feet.
- F. The parking area is set back a minimum of forty-five (45) feet from the property line.
- G. The minimum parking area is eight hundred (800) square feet.
- H. The maximum width of the entry to the parking area is thirty (30) feet.
- I. The vehicular use area is to be surfaced as is required in Sec. 3.3.6.9 if the stand is open more than six (6) months per calendar year. If open a shorter time, these areas must be maintained to minimize dust. (Ord. No. 10886, §8, 03/22/11)
- J. The maximum floor area is four thousand (4,000) square feet.
- K. A retail establishment (store) is limited to a maximum of one hundred thousand (100,000) square feet of floor area. The one hundred thousand (100,000) square feet of floor area includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

For the purposes of determining the applicability of the one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which share checkstands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.

Establishments greater than one hundred thousand (100,000) square feet of floor area (Large Retail Establishments) are considered through a Special Exception Land Use process as provided in the applicable zone.

(Ord. No. 9293, §1, 9/27/99)

3.5.9.2 General Merchandise Sales.

- A. Outdoor display or storage of fertilizer, manure, or other odorous material shall be located at least thirty (30) feet from any interior lot line.

- B. The maximum floor area is two thousand (2,000) square feet.
- C. Fuel dispensing locations are limited to a maximum of twelve (12).
- D. A retail establishment (store) is limited to a maximum of one hundred thousand (100,000) square feet of floor area. The one hundred thousand (100,000) square feet of floor area includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

For the purposes of determining the applicability of the one hundred thousand (100,000) square foot floor area maximum, the aggregate square footage of all adjacent stores, which share checkstands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store.

Establishments greater than one hundred thousand (100,000) square feet of floor area (Large Retail Establishments) are considered through a Special Exception Land Use process as provided in the applicable zone.

(Ord. No. 9293, §1, 9/27/99)

3.5.9.3 Heavy Equipment Sales.

- A. Any area used for the display or storage of heavy equipment must be surfaced with a hard, durable, dustproof material.
- B. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent residential uses or zones.

3.5.9.4 Swap Meets and Auctions.

- A. No large animals may be sold.
- B. Area lighting must be low-pressure sodium and shielded on top.
- C. The retail area shall be dustproofed.
- D. The following additional requirements apply if the use is located within four hundred (400) feet of a residential use or zone.
 - 1. The use may not operate later than 11:00 p.m.
 - 2. Any high noise activity, such as amplified auctioneering, entertainment, or woodworking, must occur within an enclosed building.

3.5.9.5 Vehicle Rental and Sales.

- A. Outdoor lights may not operate later than 10:00 p.m., except for security lighting which cannot exceed ten (10) percent of all outdoor lighting.
- B. Any lights used to illuminate outdoor activity shall be arranged so as to reflect the light away from adjacent property and comply with the Outdoor Lighting Code in Chapter 6 of the Tucson Code.
- C. Limited to rental only; no retail sales.

3.5.9.6 Secondary Uses in P-1 Zone. Limited to retail trade of products that are wholesaled, manufactured, or stored on the premises and further limited to twenty-five (25) percent of the total floor area but not to exceed twenty-five hundred (2,500) square feet.

3.5.9.7 Large Retail Establishment Design Criteria. Large Retail Establishments are subject to the following performance criteria. Variances from the criteria are not permitted; however, if one or more of the criteria cannot be met, the applicant can request approval through the Special Exception Land Use process where there is substantial compliance with this Section.

A. *Site Design and Relationship to Surrounding Community.*

1. *Vehicular Access.* The project shall provide safety and protection to adjacent residential uses by having motor vehicle access from a major street as designated by the adopted Major Streets and Routes (MS&R) Plan. Access can also be provided from a street that is not designated by the MS&R Plan, provided it can be shown that any negative impacts on residential uses or residentially zoned properties can be mitigated.
2. *Buffers.* The project shall provide visual and noise buffers where the site is adjacent to a residential use or residentially zoned property. This can be accomplished by providing a minimum building setback of at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site. An eight (8) foot high, or higher, masonry screen wall and at least a twenty (20) foot wide landscape buffer shall be provided adjacent to the site property line where it adjoins a residential use or residentially zoned property. The landscape buffer shall be placed on the inside of the screen wall and shall include, in addition to shrubs and groundcover, canopy trees at twenty (20) to thirty (30) foot intervals depending on the separation needed for the tree canopies to touch at maturity to form a noise, light, and visual screen above the screen wall. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape buffer area.
3. *Outdoor Storage Areas.* The project shall mitigate visual and noise impacts on residential uses, residentially zoned properties, and streets that may be adjacent to the site from outdoor storage areas (when permitted by the zone district requirements). The mitigation can be accomplished by locating these areas on-site and at least two hundred (200) feet from any residential use or residentially zoned property that is adjacent to the site. The areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. The screen shall be at least eight (8) feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. Storage materials should not be visible above the screen wall. It would be preferred that these outdoor storage areas be placed between buildings in a manner which would allow the buildings to act as screens.
4. *Trash Collection Areas.* The project shall mitigate visual and noise impacts on adjoining residential neighborhoods and streets from trash collection areas by locating these areas on-site and at least two hundred (200) feet from any residential use, residentially zoned property, and street that is adjacent to the site. The areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. Screening and landscaping of these areas shall conform to the predominant materials used on the site. The screen shall be at least eight (8) feet high and of masonry construction to assure the highest level of noise abatement and to confine any loose papers, cartons, and other trash. It would be preferred that these trash collection areas be placed between buildings to allow the buildings to act as screens. No trash may be removed between 4:00 p.m. and 9:00 a.m. as part of scheduled trash collection.
5. *Pedestrian Flows.* The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly, inviting image. Sidewalks shall be at least eight (8) feet wide and unobstructed and shall connect the public street sidewalks, the main entrances to the stores, transit stops on- or off-site, and other buildings on the site, in

addition to providing convenient access to adjacent residential neighborhoods. Sidewalks shall be provided along the full length of any building where it adjoins a parking lot. Sidewalks shall have an associated three (3) foot wide landscape strip for their entire length, except at intersections with parking area access lanes (PAALs). The landscaping shall include canopy trees or other shading devices to shade at least sixty-five (65) to seventy-five (75) percent of the sidewalks during the major part of the day (shadow pattern needs to be taken into consideration).

6. *Central Features and Community Spaces.* The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design (should not conflict with traffic lanes or pedestrian paths). Pedestrian ways shall be anchored by special design features, such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two (2) of these.
7. *Delivery and Loading Spaces.* Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. Delivery and loading spaces shall be set back at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site, unless such operations are located entirely within an enclosed building, provided it is no closer than the allowable building setback.

Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during nondelivery hours with motors and/or refrigeration/generators running, unless the area where the trucks are parked is set back at least three hundred (300) feet from residential property to mitigate the truck noise. The setback does not apply if the main building is located between the truck parking and the residential use or residentially zoned property to act as the screen.

The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen shall be of masonry construction and at least ten (10) feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock. The masonry screen assures the highest level of noise abatement. It would be preferred that the delivery and loading spaces be enclosed within a building or placed between buildings in a manner which would allow the buildings to act as screens.

8. *Traffic Impacts.* The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) report for the development using the Institute of Transportation Engineers' Trip Generation publication as the standard for trip generation calculation, as well as a parking generation report proposing the number of motor vehicle parking spaces required for the project, if different from shopping center calculations. The scope and criteria for the TIA report shall be approved by the Department of Transportation, prior to submittal of the TIA report. The parking generation report shall be accepted by the Department of Transportation and the Development Services Department, prior to the first public hearing. The TIA report shall identify traffic flow impacts on the public streets; recommend mitigation measures to address those conditions that fall below the standards established by the adopted regional Mobility Management Plan; and show how the applicant will provide the recommended improvements. The Mayor and Council may approve a parking requirement that supersedes the number required by Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, as part of their review process. The TIA and parking generation reports are applicable to a specific application. Any change to the specific proposed use of the site and buildings requires resubmittal, review, and approval of a revised TIA report and revised parking generation report. (Ord. No. 9666, §1, 1/29/02; Ord. No. 9967, §3, 7/1/04))

9. *Outdoor Lighting.* Provide a photometric plan and outdoor lighting report which provide information on how outdoor lighting is addressed to mitigate negative impacts on adjacent residential uses or residentially zoned properties. The report will also address the negative impacts of outdoor lighting between the hours of 10:00 p.m. and 7:00 a.m. on adjacent residential properties or zones and how they will be mitigated. Outdoor lighting between 10:00 p.m. and 7:00 a.m. shall be limited to low-pressure sodium lighting.
10. *Outdoor Sales Display/Ancillary Uses.* Provide measures to mitigate any negative impacts to a residential use or residentially zoned property that is adjacent to the site from the location of any outdoor activity associated with services to the public, such as, but not limited to, outdoor merchandise display and sales, outdoor storage, and outdoor snack bar and eating areas. The outside activity will be set back at least two hundred fifty (250) feet and oriented to face away from any residential use or residentially zoned property that is adjacent to the site, unless a building is located between the activity and the residential property.
11. *Hazardous Materials.* Provide a Hazardous Materials Management Plan and Hazardous Materials Inventory Statement as provided in the Fire Code to assure that the building site and design will protect public health and safety from accidental exposure to hazardous materials as provided in the Tucson Fire Code.
12. *Noise Abatement.* Provide a noise mitigation plan indicating how the noise initiated by the land use will be mitigated to comply with noise regulations in Chapter 11 of the Tucson Code. Trucks shall not be left idling between the hours of 6:00 p.m. and 7:00 a.m.
13. *Combination of Retail with Food and Beverage Sales.* General Merchandise Sales and retail sales shall not be combined with Food and Beverage Sales except where one of the Land Use Classes consists of less than ten (10) percent of the gross floor area.

B. *Aesthetic Character of Buildings.*

1. *Facades and Exterior Walls Including Sides and Back.* The building shall be designed in a way which will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls shall be broken up with projections or recessions with depths of at least three (3) percent of the façade length along all sides of the building. Along any public street frontage, the building design should include windows, arcades, or awnings along at least sixty (60) percent of the building length. Architectural treatment, similar to that provided to the front façade, shall be provided to the sides and rear of the building to mitigate any negative view from adjacent properties and/or streets.
2. *Detail Features.* Provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture change, wall offsets, reveals, or projecting ribs.
3. *Roofs.* The roof design shall provide variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two (2) or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look, unless it is in keeping with the architectural style of the building, e.g., Santa Fe style with smooth walls.
4. *Materials and Color.* The buildings shall have exterior building materials and colors, which are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, e.g., fluorescent or metallic. Construction materials, such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar material shall be avoided, unless the exterior surface is covered with an acceptable architectural treatment.

5. *Entryways.* The building design shall provide design elements which give customers orientation on accessibility and which add aesthetically pleasing character to buildings by providing clearly-defined, highly-visible customer entrances.
6. *Screening of Mechanical Equipment.* Roof- or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

Ground-mounted mechanical equipment shall be screened. The screen shall be of masonry construction and be of sufficient height to block the view and noise of the equipment.

- C. *Design Review Board (DRB).* All proposed Large Retail Establishments shall be reviewed by the Design Review Board (DRB) for recommendation to the Development Services Department (DSD) director, who will make a recommendation on whether it complies with the performance criteria. The DRB will base its recommendation on whether or not the project complies with the performance criteria related to compatibility, architecture, and site design, as provided in Sec. 3.5.9.7 where specific requirements are not provided. The applicant is responsible for providing all documentation and information necessary to show compliance, such as, but not limited to, site plans, building elevations, landscaping plans, floor plans, and outdoor lighting photometry plan. (Ord. No. 9967, §3, 7/1/04)

(Ord. No. 9293, §1, 9/27/99)

3.5.9.8 Medical Marijuana

A. *Medical Marijuana Dispensary.*

1. The total maximum floor area of a medical marijuana dispensary shall not exceed 2,500 square feet.
2. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total 2500 square foot maximum floor area of a medical marijuana dispensary.
3. A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle. "Building" shall have the same meaning provided in Article 6, Division 2, Section 6.2.2.
4. The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 a.m. to 7:00 p.m.
5. A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
6. A medical marijuana dispensary shall not have a drive-through service.
7. A medical marijuana dispensary shall not have outdoor seating areas.
8. A medical marijuana dispensary shall not offer a service that provides off-site delivery of the medical marijuana.
9. A medical marijuana dispensary shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries, measured in a straight and direct horizontal line between the two closest exterior walls of medical marijuana dispensaries.

10. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a public, private or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school or childcare center.

11. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a church, library or public park and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.

A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.

12. A medical marijuana dispensary shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

B. *Medical Marijuana Dispensary Off-site Cultivation Location*

1. The total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed 3,000 square feet.

2. The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed 1,000 square feet of the 3,000 square foot total maximum floor area of a medical marijuana dispensary off-site cultivation location.

3. A medical marijuana dispensary off-site cultivation location must be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle. "Building" shall have the meaning provided in Article 6, Division 2, Section 6.2.2.

4. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and direct horizontal line between the two closest exterior walls of medical marijuana dispensaries' cultivation locations.

5. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the nearest property line of a school or childcare center.

6. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a church, library or public park and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary off-site cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.

A “church” means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.

7. A medical marijuana off-site cultivation location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

C. *Medical Marijuana Designated Caregiver Cultivation Location.*

1. All conditions and restrictions for medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total 250 square feet maximum, including any storage areas.
2. A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with § A.R.S. 36-2806.01.
3. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.
4. A designated caregiver shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

D. *Medical Marijuana Qualifying Patient Cultivation Location*

1. A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01.
2. A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency. (Ord. No. 10850, § 4, 11/23/2010)

3.5.10 STORAGE USE GROUP.

3.5.10.1 Commercial Storage.

- A. Adjacent to a residential use or zone, outdoor storage shall comply with the following.
1. Storage material shall not be visible from outside the screen.
 2. Outdoor lighting shall be directed away from adjacent residential uses and zones.
- B. Outdoor storage, when permitted, shall not be located in the street perimeter yard.

3.5.10.2 Hazardous Material Storage.

- A. Aboveground storage tanks for the storage of hazardous materials, such as, but not limited to, hydrogen, gasoline, diesel fuel, automotive fluids, oil, or waste-oil, are permitted as accessory uses in conjunction with and for the purpose of a principal Permitted Land Use. (Ord. No. 8864, §1, 4/28/97)
1. Exceptions.

- a. A tank used for storing propane, water, or heating oil for consumptive use on the premises is not regulated by this Section.
- b. Aboveground storage tanks that are not located within an enclosed building are not permitted within the Scenic Corridor Zone (SCZ).
2. No person shall install an accessory aboveground storage tank unless the tank meets the following requirements.
 - a. The tank shall be used only for the purpose of servicing the vehicles used or serviced in connection with a permitted principal use. The tanks shall not be open for use by the public.
 - b. Except as specified in this Section, the setback regulations of the zoning district in which the tanks shall be located apply to all accessory storage tanks.
 1. If the Fire Chief approves the location of a tank within an enclosed building, the minimum setbacks shall be determined by the Fire Chief, provided that the setbacks are not less than those required by the zoning district.
 2. A tank that is not located within an enclosed building shall be set back as follows.
 - a. A minimum of fifty (50) feet from any property line adjacent to any area where, in the opinion of the Fire Chief, the tank could present a hazard or danger to person or property.
 - b. A minimum of two hundred (200) feet from any property line adjacent to R-3 or more restrictive zoning, or the tank location must be approved as a special exception through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. (Ord. No. 9967, §3, 7/1/04)
 - c. The tank must be screened by a wall equal to the height of the tank.
 - d. The maximum permitted diameter of a tank is ninety-five (95) inches, except that, on ten thousand (10,000) gallon storage tanks, the maximum diameter may be increased to ten (10) feet. (Ord. No. 8864, §1, 4/28/97)
 - e. The maximum permitted height of a tank, excepting venting, manways, and filler caps, is ten (10) feet above grade, except that, on ten thousand (10,000) gallon storage tanks, the maximum height may be increased to twelve (12) feet above grade. (Ord. No. 8864, §1, 4/28/97)
 - f. An aboveground storage tank must have a secondary containment tank.
 - g. A concrete pad must be provided under all tanks.
 - h. The construction, installation, and location of the aboveground storage tanks and the types of materials to be stored in the tanks must be approved by the Fire Chief.
3. These regulations do not supersede or replace any other applicable city, county, state, or federal regulations and requirements for aboveground storage tanks.
- B. The maximum capacity of each aboveground storage tank is as follows.
 1. Capacity of one thousand (1,000) gallons is permitted.

2. Capacity of two thousand (2,000) gallons is permitted.
3. Capacity of four thousand (4,000) gallons is permitted.
4. Capacity of ten thousand (10,000) gallons is permitted.

3.5.10.3 Personal Storage.

- A. All storage shall be within enclosed buildings.
- B. Access shall be from a collector or arterial street.
- C. All walls or doors visible from adjacent streets and residential properties shall be surfaced with a nonreflective material. (Ord. No. 8653, §1, 2/26/96)
- D. Maximum individual unit size: Two hundred (200) square feet of floor area.
- E. Razor or barbed wire may not be used.
- F. The facility's exterior façade visible from adjoining residential properties or street frontage shall be earth tone in color and of masonry, stucco, or similar materials. (Ord. No. 9631, §2, 12/10/01)
- G. Maximum site area: Three (3) acres. (Ord. No. 9631, §2, 12/10/01)

3.5.11 UTILITIES USE GROUP.

3.5.11.1 Distribution System.

- A. The setback of the facility, including walls or equipment, is twenty (20) feet from any adjacent residential zone.
- B. Where a facility is not enclosed within a building, the surrounding screen shall be used as the building wall for the purposes of setbacks in Sec. 3.2.3.2.
- C. The setback of the facility, including walls or equipment, is two hundred (200) feet from any existing adjacent residential zone. This setback may be varied as provided in Sec. 5.3.3, Variances. (Ord. No. 9179, §1, 12/14/98)
- D. Where a water tower more than twenty (20) feet in height is used in conjunction with such facilities, its center shall be located a distance from any lot line equal to not less than one-half (1/2) its height.
- E. The use may not have any service or storage yards.
- F. Noise emission at the property line is to be equivalent to the residential requirements of the noise ordinance.
- G. No TVI (television interference) or RIV (radio interference) on a continuous basis is permitted.
- H. Any building housing such facility shall be in keeping with the character of the zone in which it is located. The Design Review Board (DRB) shall review all applications and make recommendations to the Zoning Examiner. The DRB reviews architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features. (Ord. No. 9967, §3, 7/1/04)

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- I. The use must be located wholly within an enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six (6) feet, nor more than ten (10) feet, in height.
 - J. The use must include a ten (10) foot high wall in an earth tone and vegetative landscaping where contiguous to a residential zone.
 - K. Limited to water pumping and storage facilities, telephone exchanges, and power substations with an input voltage of no greater than one hundred thirty-eight (138) kilovolts.

3.5.11.2 Renewable Energy Generation.

- A. Requires approval through a Special Zoning Review – Limited Notice Procedure, Sec. 23A-40.
- B. The setback of the facility, including walls or equipment, is twenty (20) feet from any adjacent residential zone.
- C. All activities shall be conducted in conformance with the following performance standards:
 1. *Noise.* The sound level of any individual operation shall not exceed the levels permitted in Chapter 11, Noise Ordinance, of the Tucson Code.
 2. *Smoke.* Smoke emission from any source is not permitted to exceed a density greater than that described as No. 1 on the Ringleman Chart. However, smoke may be emitted which is equal to, but not darker than, No. 2 on the Ringleman Chart for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines, is the standard.
 3. *Glare or Heat.* Any activity producing intense glare or heat shall not be performed in such a manner as to create a nuisance or hazard beyond the property lines of the project site.
 4. *Odors.* Emission of odorous gases or other odorous matter is not permitted in such quantities as to be offensive to owners or occupants of adjoining property or in such a manner as to create a nuisance or hazard beyond the property lines of the project site.
 5. *Vibration.* No vibration is permitted which is discernible beyond the property lines of the project site.
 6. *Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution.* No emission is permitted which can cause damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling of the air per State or County guidelines.
 7. *Liquids and Solid Waste.* No waste shall be discharged into the streets, drainage ways, or on property possibly creating a danger to the public health and safety, and no waste shall be discharged in the public sewage system which might endanger the normal operation of the public sewage system.
 8. *Illumination.* Illumination of buildings and open areas shall be located and directed so as to eliminate glare toward streets and adjoining properties and shall comply with the requirements of the Outdoor Lighting Code in Chapter 6 of the Tucson Code.
 9. *Interference.* No TVI (television interference) or RIV (radio interference) is permitted to emanate from the project site.

D. The use may not include a service or storage yard.

E. In addition to the requirements of Sec. 3.7.3., Landscaping and Screening Regulations, there must be a decorative masonry wall at least six (6) feet in height between the project site and any residential zone. (Ord. No. 10818, §2, 7/7/10)

3.5.12 WHOLESALE USE GROUP.

Reserved.

3.5.13 GENERALLY APPLIED CRITERIA.

3.5.13.1 Access.

A. The use must have primary vehicular access from an arterial street.

B. The use must have access from a paved public street on the *Major Streets and Routes (MS&R) Plan*.

3.5.13.2 Hours. The principal use is restricted to hours of operation of 7:00 a.m. to 10:00 p.m.

3.5.13.3 Lighting. In addition to the requirements of Chapter 6, Section 6-101, Outdoor Lighting Code, of the Tucson Code, any outdoor lighting utilized in conjunction with the use shall be located and directed so as to eliminate glare toward streets and adjoining R-3 or more restrictive zoning.

3.5.13.4 Noise. In addition to the requirements of Chapter 11, Article II, Noise, of the Tucson Code, the use must be located within an enclosed building. There shall be no openings on the side of the building adjacent to R-3 or more restrictive zoning.

3.5.13.5 Outdoor Activity. Activity may occur outdoors.

3.5.13.6 Screening. In addition to the requirements of Sec. 3.7.3, there must be a screen wall at least five (5) feet in height between this use and any residential zone.

- 6.3.7.3 Neighborhood Recreation. Neighborhood Recreation is a noncommercial recreational use established by the neighborhood for the benefit and enjoyment of that neighborhood. Attendance by spectators is incidental and occurs on an intermittent basis. Typical uses include park areas, recreation centers, or swimming pools commonly owned by a neighborhood.
- 6.3.7.4 Recreation. Recreation is a participatory activity. Attendance by spectators is incidental and occurs on an intermittent basis. Typical uses include athletic clubs, gymnasiums, and tennis courts.
- 6.3.7.5 Open Space. Any area of land, essentially unimproved and not occupied by structures or manmade impervious surfaces, that is set aside, dedicated, or reserved in perpetuity for public or private enjoyment as a preservation or conservation area. In addition, open space includes those areas revegetated or restored with native vegetation in a natural manner consistent with the character of the Sonoran Desert. (Ord. No. 9102, §3, 8/3/98; Ord. No. 9374, §1, 4/10/00)
- 6.3.8 RESIDENTIAL USE GROUP.**
- 6.3.8.1 Purpose. The Residential Use Group includes Land Use Classes which are residential on a nontransient basis. The following Land Use Classes comprise the Residential Use Group.
- 6.3.8.2 Family Dwelling. Family Dwelling is the occupancy (habitation) of a permanent structure or structures on a lot or parcel by one (1) or more individuals holding the dwelling unit under common property rights, living together as a single household, and using common cooking facilities. Typical uses include attached or detached dwellings and single-family or multiple-family dwellings. (Ord. No. 9421, §1, 7/10/00)
- 6.3.8.3 Group Dwelling. Group Dwelling is the residential occupancy of a permanent structure by five (5) or more unrelated persons or by one (1) or more individuals where the individual or group of individuals has the exclusive right of occupancy of a bedroom. Typical uses include fraternities; sororities; convents; dormitories; college student rentals; rooming and boarding; boarding houses, not primarily for travelers; and apartments where individual bedrooms are separately leased. Related persons include persons related by blood, marriage, domestic partnership as defined in Tucson City Code Chapter 17, Article IX or a legal custodial relationship. (Ord. No. 8582, §1, 9/25/95; Ord. No. 9421, §1, 7/10/00; Ord. No. 10965, §1, 02/15/12)
- 6.3.8.4 Mobile Home Dwelling. Mobile Home Dwelling is the occupancy (habitation) of a mobile home or manufactured housing unit. Typical uses include individual mobile home dwellings, mobile home parks, and mobile home condominiums.
- 6.3.8.5 Residential Care Services. Residential Care Services is a residential use which includes facilities providing lodging, meals, and treatment to persons who are unable to be cared for as part of a single household. This use includes group homes and institutional living arrangements with twenty-four (24) hour care.

Residential Care Services are divided into the following subclasses: Adult Care Service; Physical and Behavioral Health Service; Rehabilitation Service; and Shelter Care. The subclasses of uses are exclusive of each other.

- A. *Adult Care Service*. Adult Care Service is a Residential Care Service providing lodging, meals, supervision, and other support services to elderly or physically disabled individuals not related to the owner/manager of the facility. Typical uses include adult care homes, adult care facilities, and supervisory care facilities.
- B. *Physical and Behavioral Health Service*. Physical and Behavioral Health Service is a Residential Care Service providing lodging, meals, treatment, counseling, and supervision to persons with behavioral disorders or developmental disabilities or to physically disabled individuals not related to the owner/manager of the facility. Typical uses include group homes for the developmentally disabled, group homes for the seriously mentally ill, specialized treatment homes, group foster homes, and recovery homes for substance abusers. This category does not include facilities used for penal or correctional purposes or for adjudicated delinquents other than status offenders.

- C. *Rehabilitation Service.* Rehabilitation Service is a Residential Care Service providing lodging, meals, counseling, treatment, and rehabilitation to adjudicated delinquents.
- D. *Shelter Care.* Shelter Care is a Residential Care Service providing lodging on a temporary basis, meals, and counseling, typically for less than thirty (30) days, to homeless persons, pregnant teenagers, victims of domestic violence, and children who need full-time supervision, including those who are neglected, runaways, or status offenders.

6.3.9 RESTRICTED ADULT ACTIVITIES USE GROUP.

- 6.3.9.1 Purpose. The Restricted Adult Activities Use Group classifies activities which provide entertainment and/or goods depicting, describing, or relating to "specified sexual activities" or characterized by emphasis on depiction, description, or relation to "specified anatomical areas." The following Land Use Classes comprise the Restricted Adult Activities Use Group.
- 6.3.9.2 Adult Commercial Services. Adult Commercial Services include all Land Use Classes within the Commercial Services Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas." Typical uses include adult model studios, adult massage parlors, adult motels, and adult theaters.
- 6.3.9.3 Adult Industrial Uses. Adult Industrial Uses include all Land Use Classes within the Industrial Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas." Typical uses include adult motion picture productions.
- 6.3.9.4 Adult Recreation. Adult Recreation includes all Land Use Classes within the Recreation Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas." Typical uses include adult arcades, body painting studios, and sexual encounter establishments.
- 6.3.9.5 Adult Retail Trade. Adult Retail Trade includes all Land Use Classes within the Retail Trade Use Group that depict, describe, or relate to "specified sexual activities" or are characterized by emphasis on depiction, description, or relation to "specified anatomical areas." Typical uses include adult bookstores.

6.3.10 RETAIL TRADE USE GROUP.

- 6.3.10.1 Purpose. The Retail Trade Use Group includes Land Use Classes which involve the selling, leasing, or renting of goods and merchandise to the general public. The following Land Use Classes comprise the Retail Trade Use Group.
- 6.3.10.2 Construction Material Sales. Construction Material Sales is the sale of lumber and other building materials. Typical uses include lumberyards, fence companies, and brick and block sales.
- 6.3.10.3 Food and Beverage Sales. Food and Beverage Sales is the retail sale of food and beverages for consumption off the premises, such as bakeries, butcher shops, grocery stores, and liquor stores.
- 6.3.10.4 General Merchandise Sales. General Merchandise Sales is the selling, leasing, or renting of commonly used goods and merchandise for personal or household use and the providing of services incidental to the selling, leasing, or renting of goods. Typical uses include department and variety stores, automotive accessories and new parts stores, fuel and lubricant sales, apparel stores, drugstores, florists, furniture stores, pet stores, and video tape rental and sales.

APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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